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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,484

08/09/2007

Shigeki Araki

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EXAMINER

YOUNG, SCOTT E

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

09/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,484	<b>Applicant(s)</b> ARAKI, SHIGEKI	
	<b>Examiner</b> SCOTT YOUNG	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/23/2006, 1/6/2009</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

The preliminary amendment filed July 27, 2006 has been entered. Claims 1-11 have been cancelled. Claims 12-22 are new.

#### *Claim Objections*

1. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12 is directed towards a suspension structure and claim 21 is directed towards a model vehicle.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12 and 14-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lenhard-Backhaus et al. (US 4,521,033).

4. Claim 12: Lenhard-Backhaus et al. discloses **a suspension structure for use in a model vehicle, comprising; a bar-like member (6) having torsional elasticity** (col. 2, line 61); **a securing section (7) that secures one end of said bar-like member to a vehicle body of said model vehicle** (col. 2, lines 65-67; the securing section is connected to the other bar-like member which is secured to the vehicle body through a second pivot shaft (col. 2, lines 59-60) and fig. 1); **a pivot shaft (4) attached to the**

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**other end of said bar-like member** (col. 2, lines 57-59); **a swing arm (2) attached at a proximal end thereof to said pivot shaft** (col. 2, lines 63-66); **and a wheel (1) attached to a distal end of said swing arm** (col. 2, lines 55-57).

5. Claim 14: Lenhard-Backhaus et al. discloses that **said pivot shaft has a slit (3) into which the other end of said bar-like member is inserted** (col. 2, lines 57-64).

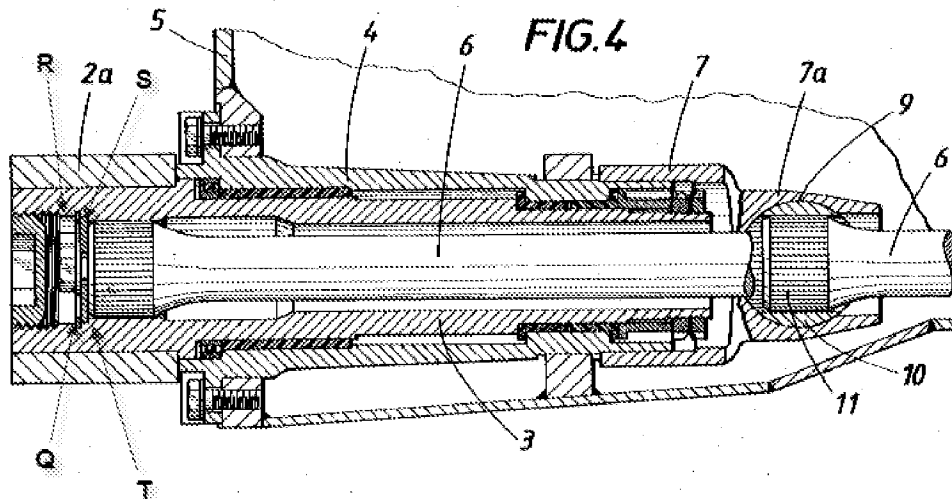
6. Claim 15: Lenhard-Backhaus et al. discloses that **said bar-like member has at the other end thereof a second annular section that is inserted into said slit** (fig. 4, the left end of 6 is round and has a hole for receiving a bolt, which forms a ring on the end).

7. Claim 16: Lenhard-Backhaus et al. discloses **a securing ring that prevents said second annular section inserted into said slit from falling out of said slit** (fig. 4, Q).

8. Claim 17: Lenhard-Backhaus et al. discloses that **said pivot shaft has a projection that prevents said securing ring from falling off a distal end of said pivot shaft** (fig. 4, R).

9. Claims 18 and 19: Lenhard-Backhaus et al. discloses **a securing ring retainer that slidably supports said securing ring with respect to said vehicle body and has a curved surface that abuts against said securing ring** (fig. 4, S).

10. Claim 20: Lenhard-Backhaus et al. discloses **a restraining section that restrains said securing ring from moving axially of said pivot shaft** (fig. 4, T).



- 11.
12. Claim 21: Lenhard-Backhaus et al. discloses **the suspension structure being attached to a model vehicle** (col. 2, lines 55-60).
13. Claim 22: Lenhard-Backhaus et al. discloses **having said suspension structure for a right wheel and said suspension structure for a left wheel, wherein said suspension structure for a right wheel and said suspension structure for a left wheel are disposed alternately** (fig. 1; col. 2, line 67 – col. 3, line 1).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lenhard-Backhaus et al. (US 4,521,033) as applied to claim 12 above, and further in view of Tea (US 3,202,441).

16. Lenhard-Backhaus et al. discloses the claimed invention except for a first annular section formed at one end of the bar-like member, a securing section being a projection section projecting from said vehicle body, said first annular section being fitted to said projection section, thereby securing the one end of said bar-like member to said vehicle body. Tea teaches **a suspension bar (34) with an annular section at the end** (fig. 4, 40) **that is secured to a projection (50) that is projecting from the vehicle body** (fig. 3, 48). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the bar and securing section of Lenhard-Backhaus et al. with the annular section and securing vehicle body projection of Tea, since such a modification would make use of known means of connecting a suspension bar to a vehicle body that would strengthen the suspension system.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references include Grogg, Sr. (US 4,213,269), Cunard (US 4,562,893), Smith et al. (US 5,016,912), De Andrade (US 5,909,780), and Straussler (US 2,033,493).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT YOUNG whose telephone number is (571) 270-7609. The examiner can normally be reached on Monday-Friday 9am-6pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE KIM can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SCOTT YOUNG/  
Examiner, Art Unit 3711

/Gene Kim/  
Supervisory Patent Examiner, Art Unit 3711